

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JAMES STEPHEN JONES	§	
VS.	§	CIVIL ACTION NO. 1:04-CV-35
		(consolidated with 1:04-CV-392)
BUREAU OF PRISONS, ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff James Stephen Jones, an inmate confined at the Low Security Unit of the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, filed these civil actions against the Bureau of Prisons ("BOP"); Kathleen Hawk-Sawyer, the former Director of the Bureau of Prisons; Ronald G. Thompson, the South Central Regional Director; Sam L. Pratt, Warden of FCI Seagoville, Texas; Sol Ruder, Unit Manager at FCI Seagoville; and F. Carter, Case Manager at FCI Seagoville.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the cases for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

Plaintiff also requested leave to amend his complaint to request monetary damages with respect to his claims under the Privacy Act. However, plaintiff is not entitled to damages because he has not demonstrated that the Bureau of Prisons intentionally and willfully failed to maintain accurate records. *Whitley v. Hunt*, 158 F.3d 882, 889 (5th Cir. 1998), *abrogated on other grounds by, Booth v. Churner*, 532 U.S. 731, 735 (2001).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this **27** day of **March, 2007**.



Ron Clark, United States District Judge